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Total Number of Pages in This Submission

4

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10/680,766

Filing Date

October 7, 2003

First Named Inventor

Francis P. Fisher

Art Unit

1724

Examiner Name

Minh-Chau T. Pham

Attorney Docket Number

8420/12(a)

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

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Licensing-related Papers

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Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

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Request for Refund

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After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify
below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature

Printed name

Thomas S. Birney

Date

May 11, 2005

Reg. No.

30,025

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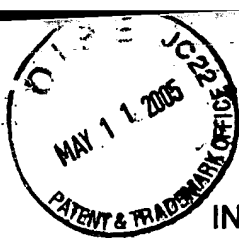
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Francis P. Fisher

Serial No. 10/680,766

Filed: October 7, 2003

For: WASTE STREAM SEPARATOR

Examiner Minh-Chau T. Pham
Group Art Unit 1724

RESPONSE

Applicant respectfully submits the following in response to the Office Action dated February 15, 2005:

Claims 1, 5 - 10, 17, 21 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over either Vaughan or Chiesl. In response, Applicant respectfully submits that the Vaughan system lacks the following elements specified in all of the independent claims:

- There is no separation stack that directs the flow downward in the primary waste barrel. In Vaughan, the stack 21 directs the flow upward out of the container.
- There is no removable primary waste barrel. The primary chamber 16 in Vaughan is not removable and is not a barrel.
- There is no filter media in the primary waste barrel
- There is no secondary waste barrel.
- There is no vacuum chamber that directs the flow into the secondary waste barrel. The upper clean air compartment 14 in Vaughan does not direct the flow into a secondary waste barrel. Suction is applied to the outlet 27 to remove clean air from this compartment (column 3, lines 1 - 2 of the Vaughan patent).

With regard to Chiesl, Applicant notes that this patent discloses a liquid-based air filtration system. Applicant respectfully submits that the Chiesl system lacks the following elements specified in all of the independent claims:

- There is no separation stack that directs the flow downward into the primary waste barrel. The Office Action equates the devaporizer 150 in Chiesl with the separation stack 22 in the present invention. The Office Action also equates the air / liquid chamber 140 in Chiesl with the primary waste barrel 10 in the present invention. The devaporizer 150 is downstream with regard to the air flow exiting the air / liquid chamber 140, as shown by the large flow arrows in figure 1 of the Chiesl patent. Thus, the devaporizer 140 does not direct the air stream into the primary waste barrel as required in all of the independent claims in this application.
- There is no removable primary waste barrel. The air / liquid chamber 140 in Chiesl is not removable and is not a barrel.
- The air / liquid chamber 140 in Chiesl, which the Office Action equates with the primary waste barrel in the present invention, is used for scrubbing incoming dirty air with a liquid. For example, the air / liquid chamber 140 can be a rain chamber, bubbling chamber or a spray chamber (e.g., figures 2 - 6 and column 3, line 52 - column 4, line 48 of the Chiesl patent). In other words, liquid is added to the air stream in Chiesl's air / liquid chamber 140, rather than being removed. This is the opposite of the present invention, in which the primary waste barrel separates entrained liquid and solid waste from the air stream.
- There is no vacuum chamber directing the air stream from the separation stack into a secondary waste barrel. Both the vacuum chamber and secondary waste barrel are absent from Chiesl's system. The Office Action equates the secondary waste barrel ("second chamber" in the Office Action) with the liquid dust separator 160 in Chiesl. However, this component is part of the liquid recirculation system discussed at column 3, lines 1 - 24 and shown in figure 1 of the Chiesl patent. Chiesl's liquid dust separator 160 does not remove entrained

droplets of moisture from the air stream as required in each of the independent claims in this application.

With regard to claims 21 and 22, Applicant notes that neither Vaughan nor Chiesl teach or suggest a stand pipe and stinger tube for drawing liquid from the bottom of the primary waste barrel as required in these claims.

Claims 2 - 4, 11 - 16 and 18 - 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over either Vaughan or Chiesl in view of Allen et al. Allen et al. have been cited to show that using a perforated drain plate supporting the filter media is old. In response, Applicant notes that Allen et al. disclose a grease filter that is physically incompatible with either Vaughan or Chiesl. In addition, Applicant restates the previous comments concerning Vaughn and Chiesl with regard to independent claims 1, 11 and 17. With regard to claims 11 - 16, Applicant also notes that none of the references cited teach or suggest a stand pipe and stinger tube for drawing liquid from the bottom of the primary waste barrel, as required in these claims.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

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Date: 5/11/05

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